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March 10, 2020

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Executive Director  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

Re: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Dominion Energy South Carolina, Incorporated's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) - S.C. Code Ann. Section 58-41-20(A); Docket No. 2019-184-E

Dear Ms. Boyd:

Dominion Energy South Carolina, Inc. ("DESC" or the "Company") received a copy of the letter of counsel for Johnson Development Associates, Incorporated ("JDA") and the South Carolina Solar Business Alliance ("SCSBA") (collectively, "JDA/SCSBA"), which was filed in the above-referenced docket requesting that the schedule previously agreed upon by the parties for rehearing not be adopted by the Commission at this time. As mentioned in the letter, an earlier email correspondence from co-counsel to Hearing Officer David Stark on February 20 reconfirmed the following schedule initially proposed during a conference call held by Hearing Officer Stark on January 17, 2020:

- March 17 – Direct Testimony of Intervenor / Petitioners
- April 20 – Company Direct
- May 4 – Rebuttal of Intervenor / Petitioners

(continued...)

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- May 18 – Company Surrebuttal
- May 27-28 – Hearing Date

JDA/SCSBA did not provide any reason or cause for unilaterally requesting that the rehearing in Docket No. 2019-184-E be delayed, and DESC is unaware of any reason or cause that prevents rehearing to proceed on the schedule agreed to by all parties on January 17, 2020, a schedule which was reconfirmed, at least by JDA and SCSBA, as recent as February 20, 2020. Thus, DESC respectfully requests that the procedural schedule to which all parties had agreed continue to be the schedule used to finalize the issue which the Commission decided to rehear.

JDA/SCSBA suggests that, since the Commission has not yet issued its order on reconsideration and rehearing to reflect the decision made by vote of the Commission at its business meeting on January 3, 2020, the procedural schedule needs to be delayed until the order is issued so that the parties will have a point “from which to begin the process for rehearing.” This assertion is simply inaccurate, as the directive on Special Agenda Item 1 in Docket No. 2019-184-E clearly states the limited and narrow scope of the issue to be reheard. Nothing more is needed, and, in fact, nothing more may be ordered as any order to be issued must faithfully adhere to the decision that the Commission made on January 3, 2020, i.e., no more or no less.

Delay, as JDA/SCSBA is urging, creates an unnecessary issue for this docket, for the parties, and for the Commission. The Public Utilities Review Committee is currently screening candidates for three seats on the Commission that will be open and for one seat that appears to be contested. If there are three or four new Commissioners elected by the General Assembly to take office on or after July 1, 2020, then S.C. Code Ann. § 58-3-225(A) arguably prohibits any newly elected Commissioner from voting on any issue in Docket No. 2019-184-E since the new Commissioners would not have attended any of the hearings held in this docket. The Commission therefore would be unable to field a quorum under the provisions of S.C. Code Ann. § 58-3-90 which requires a “majority of the commissioners [to] constitute[] a quorum for the transaction of all business pertaining to their office.” Without a quorum and the ability to transact business in Docket No. 2019-184-E, Commission Order No. 2019-847 may, by operation of law, become the final order of the Commission in this docket, and the final order from which any party may seek appellate review should they dispute the findings and conclusions of said order. Thus, JDA/SCSBA face the real risk that the requested delay in the procedural schedule, if granted by the Commission, is the final act that the Commission may take in this docket on the issue scheduled for rehearing.

For these reasons, the Company respectfully requests that the agreed upon schedule be adhered to and a directive be issued by the Commission staff to guide the parties in the filing of their respective testimonies. That said, if it would be helpful to JDA and SCSBA, the Company is willing to agree to delay the entire schedule by a week or ten (10) days to allow JDA/SCSBA (as well as any other party which intends to support Power Purchase Agreements of longer than 10 years) more time to finalize and file its direct testimony.

(continued...)

If you have any questions regarding this matter, please advise.

Very truly yours,

**WILLOUGHBY & HOEFER, P.A.**

s/Mitchell Willoughby

Mitchell Willoughby

MW/lla

cc: All parties of record in Docket No. 2019-184-E (via email)